



Attorney Docket No. 37167-8043.US00

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Date: March 31, 2006

By: Lynnea B. Kennedy
Lynnea B. Kennedy
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Morris *et al.*

APPLICATION NO.: 09/938,276

FILED: August 22, 2001

FOR: **TISSUE SURFACE TREATMENT APPARATUS
AND METHOD**

EXAMINER: ROLLINS, R.S.

ART UNIT: 3739

CONF. NO: 1933

**Supplemental Information Disclosure Statement After First Office Action
but Before Final Action or Notice of Allowance – 37 C.F.R. § 1.97(c)**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. **Timing of Submission**

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. **Cited Information**

Copies of all references except U.S. patents or published applications (See C.F.R. § 1.98(a)(2)(i))

3. **Effect of Information Disclosure Statement (37 CFR 1.97(h))**

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to

be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

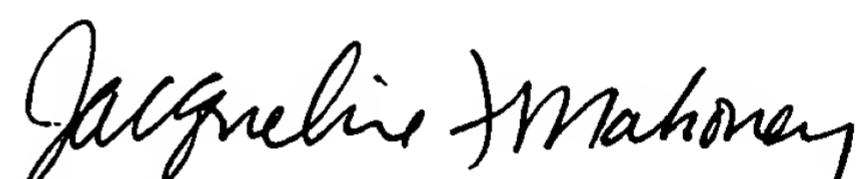
4. Fee Payment

- Applicant elects to pay the fee under 37 CFR 1.17(p) in the amount of \$180.00. Enclosed is a check for \$180 in payment of the fee due.
- The Commissioner is hereby authorized to charge any deficiency in fees to assure timely submission of these papers to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 CFR 1.704(d))

- The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP



Jacqueline F. Mahoney
Registration No. 48,390

Date: March 31, 2006

Correspondence Address:
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Phone: 650 838-4410

O P E SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)		COMPLETE IF KNOWN	
		Application Number	09/938,276
		Filed	August 22, 2001
		First Named Inventor	Morris
		Group Art Unit	3739
		Examiner Name	Rollins, R.S.
		Atty Dkt No.	37167-8043.US00
		Confirmation No.	1933

U.S. PATENT DOCUMENTS

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T

FOREIGN PATENT DOCUMENTS

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).